

CONSENT AGENDA ITEM

If no one asks to speak about this case prior to the hearing, it will be approved without discussion as part of the Consent Agenda.

Docket Item #4
SPECIAL USE PERMIT #2007-0099

Planning Commission Meeting
November 8, 2007

ISSUE: Consideration of a request for a special use permit to extend the days and hours of operation of an existing restaurant.

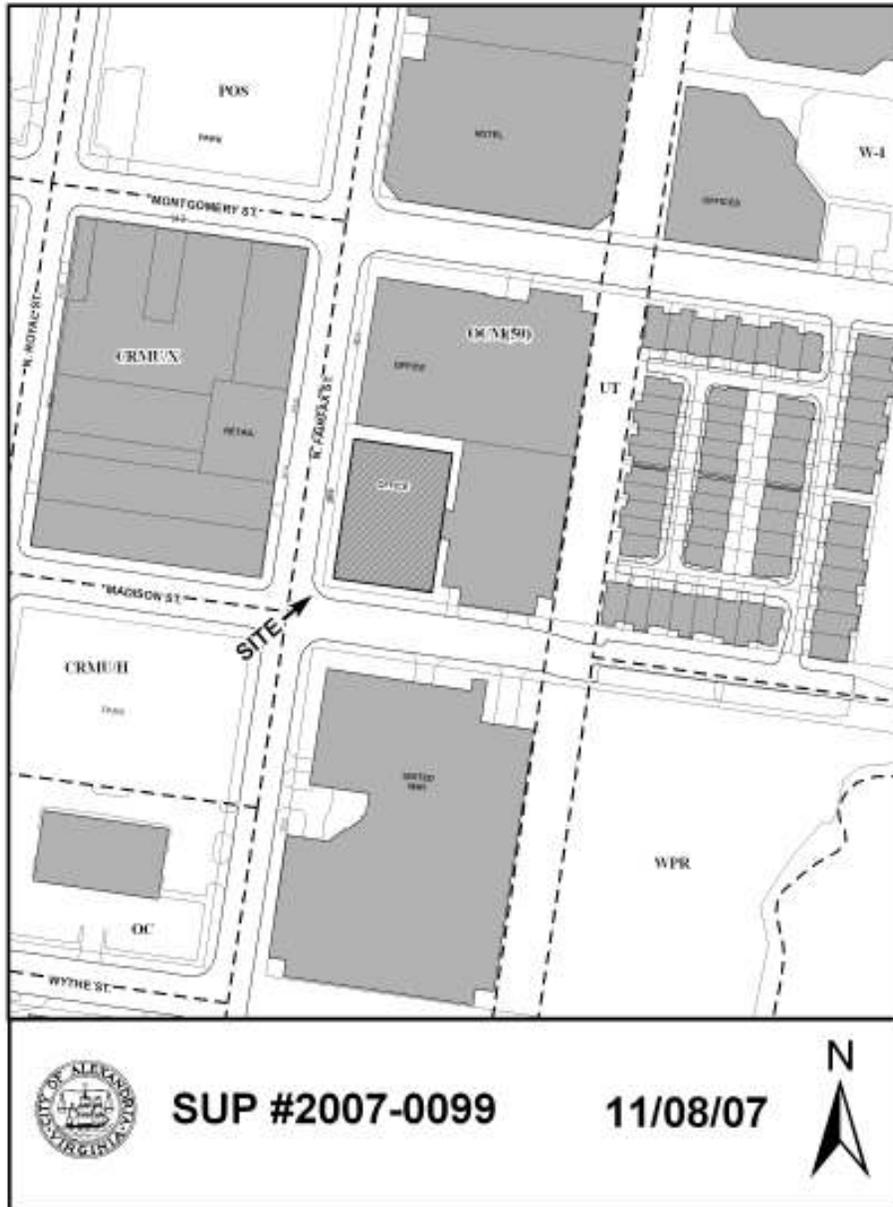
APPLICANT: Kun Yong Ha

STAFF: Allison Anderson
Allison.anderson@alexandriava.gov

LOCATION: 209 Madison Street unit 100

ZONE: OCM(50)/Office Commercial Medium

STAFF RECOMMENDATION: Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the recommended permit conditions found in Section III of this report.



SUP #2007-0099

11/08/07



I. DISCUSSION

REQUEST

The applicant, Kun Yong Ha, requests special use permit approval for expanded hours for a restaurant located at 209 Madison Street.

SITE DESCRIPTION

The subject property is one lot of record with 420 feet of frontage on Madison Street, 175 feet of depth and a total lot area of 44,361 square feet. The site is developed with an office building. Access to the property is from Madison Street and North Fairfax Street.



The surrounding area is occupied by a mix of office, residential, and retail uses. Immediately to the north and south are office buildings. To the east and west are the Montgomery Center and the Rivergate Townhomes.

BACKGROUND

On June 13, 1987 City Council granted Special Use Permit #2005 to 171 Eldon Inc., t/a Waterfront Cafe, to operate a 52 seat restaurant within the office building known as the Allen Building at 209 Madison Street. On March 21, 1992 City Council granted Special Use Permit #2005-A for a change in ownership of the restaurant to Yeong Chan Lee and Yeong Lee. An administrative change of ownership, SUP #2005B, was granted to Hwang Mun Lee and Jung Sook Lee on May 18, 1993. On October 1, 2007 an administrative change of ownership, SUP #2007-0091, was granted to Sangho, Inc by Kun Yong Ha.

On October 17, 2007, staff visited the subject property to determine if the business was in compliance with the conditions of its special use permit. Staff found no violations of the special use permit.

PROPOSAL

The applicant proposes to extend the hours of operation of the existing restaurant by opening one hour earlier Monday through Friday. The current hours are 8:00am to 5:00pm and the applicant is proposing 7:00am to 5:00pm. The applicant is also proposing Saturday operations, from 7:00am to 5:00pm.

Hours: Monday – Friday, 7:00am – 5:00pm
Saturday, 7:00am – 5:00pm

Number of seats: 52

Noise: A high level of noise is not anticipated

Trash/Litter: Waste from the restaurant is anticipated to be typical for this use, food, paper, etc. and will be stored in a dumpster on site. Trash is picked up daily.

PARKING

According to Section 8-200(A)(8) of the Zoning Ordinance, a restaurant requires 4 parking spaces for every four (4) seats. A restaurant with 52 seats will be required to provide 13 off-street parking spaces. The parking for this building is provided in a parking garage on site which contains 465 spaces, therefore the parking requirement has been met.

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the OCM(50) zone. Section 4-903 of the Zoning Ordinance allows a restaurant in the OCM(50) zone only with a special use permit.

The proposed use is consistent with the Old Town North Small Area Plan chapter of the Master Plan which designates the property for mixed use.

II. STAFF ANALYSIS

Staff is supportive of the increase in hours for the restaurant. The restaurant is located in an office building and will have little negative impact on nearby residential areas. On site parking is plentiful and shouldn't impact on-street parking availability for businesses in the nearby Montgomery Center. This restaurant is not a destination restaurant and will primarily be serving people from the Allen Building, the Health Club and nearby residential areas. There is a paid parking garage available on site for those few patrons who drive to the restaurant. The garage is free on the weekends and after 6:30pm weekdays.

The applicant has stated that several patrons have encouraged them to extend their hours as well as open for business on Saturdays. The building houses a health club whose members will likely be patronizing the establishment. Staff is recommending approval for the same hours as the health club to provide the greatest flexibility for the applicant.

With the following conditions, staff recommends approval of the special use permit.

III. RECOMMENDED CONDITIONS

Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the following conditions:

1. **CONDITION AMMENDED:** The hours during which the business is open to the public shall be restricted to between 7:00am and 10:00 pm, Monday through Friday, and 7:00am – 7:00pm, Saturday and Sunday ~~8:00 A.M. and 5:00 P.M., Monday through Friday, as requested by the applicant.~~ (P&Z)
2. Seating shall be provided inside for no more than 44 patrons and outside for no more than eight (8) patrons. (P&CD) (SUP #2005-A)
3. **CONDITION ADDED:** The applicant shall encourage its employees to use mass transit or to carpool when traveling to and from work, by posting information regarding DASH and METRO routes, the location where fare passes for transit are sold, and advertising of carpooling opportunities. (P&Z)
4. **CONDITION ADDED:** The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements, and on how to prevent underage sales of alcohol. (P&Z)
5. No food, beverages, or other materials shall be stored outside. (P&CD) (SUP #2005-A)
6. Trash and garbage shall be stored inside or in a dumpster. (P&CD) (SUP #2005-A)
7. Trash and garbage shall be collected three (3) times per week when the business is open. (P&CD)(SUP #2005-A)
8. No music or loudspeakers shall be located in the outside dining areas. All loudspeakers shall be prohibited from the exterior of the building and no amplified sounds shall be audible at the property line. (T&ES) (P&Z) (SUP2007-0091)
9. When outside dining facilities are provided on-site, litter shall be picked up as it is generated, and the outside dining area shall be scrubbed and washed down at the close of each day of operation. (P&CD) (SUP #2005-A)
10. The applicant shall post the hours of operation at the entrance to the restaurant. (P&CD) (SUP #2005-A)
11. The special use permit shall be granted to the applicant only or to any corporation in which the applicant has controlling interest. (P&CD) (SUP #2005B)
12. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys, or storm sewers. (T&ES) (SUP2007-0091)

13. The applicant shall control odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation and Environmental Services. (T&ES) (SUP2007-0091)
14. The applicant shall provide storage space for solid waste and recyclable materials containers as outlined in the City's "*Solid Waste and Recyclable Materials Storage Space Guidelines*", or to the satisfaction of the Director of Transportation & Environmental Services. The City's storage space guidelines and required Recycling Implementation Plan forms are available at: www.alexandriava.gov or contact the City's Solid Waste Division at 703-519-3486 ext.132. (T&ES) (SUP2007-0091)
15. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (T&ES) (SUP2007-0091)
16. Applicant shall contribute \$500.00 to the Litter Control Fund for the installation of litter receptacles along the public right-of-ways. Monetary contribution to be submitted to the Department of T&ES, Engineering Division, Room 4130, 301 King Street within 60 days of City Council approval. (T&ES) (SUP2007-0091)
17. The applicant shall require its employees who drive to use off-street parking and/or provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall also post DASH and Metrobus schedules on-site for employees. (T&ES) (SUP2007-0091)
18. The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the business and a robbery readiness training for all employees. (Police) (SUP2007-0091)
19. Provide a menu or list of foods to be handled at this facility to the Health Department prior to opening. (Health) (SUP2007-0091)
20. The applicant shall comply with any requirements adopted as part of a smoke-free restaurant ordinance. (P&Z) (SUP2007-0091)

21. **CONDITION ADDED:** The Director of Planning and Zoning shall review the special use permit after it has been operational for one year, and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; (b) the director has received a request from any person to docket the permit for review as the result of a complaint that rises to the level of a violation of the permit conditions, (c) the director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z)

STAFF: Richard Josephson, Deputy Director, Department of Planning and Zoning;
Allison Anderson, Urban Planner.

Staff Note: In accordance with section 11-506(c) of the zoning ordinance, construction or operation shall be commenced and diligently and substantially pursued within 18 months of the date of granting of a special use permit by City Council or the special use permit shall become void.

IV. CITY DEPARTMENT COMMENTS

Legend: C - code requirement R - recommendation S - suggestion F - finding

Transportation & Environmental Services:

- R-1 Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys, or storm sewers. (T&ES)
- R-2 The applicant shall control odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation and Environmental Services. (T&ES)
- R-3 All loudspeakers shall be prohibited from the exterior of the building and no amplified sounds shall be audible at the property line. (T&ES)
- R-4 The applicant shall provide storage space for solid waste and recyclable materials containers as outlined in the City's "*Solid Waste and Recyclable Materials Storage Space Guidelines*", or to the satisfaction of the Director of Transportation & Environmental Services. The City's storage space guidelines and required Recycling Implementation Plan forms are available at: www.alexandriava.gov or contact the City's Solid Waste Division at 703-519-3486 ext.132. (T&ES)
- R-5 Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (T&ES)
- R-6 Applicant shall contribute \$500.00 to the Litter Control Fund for the installation of litter receptacles along the public right-of-ways. Monetary contribution to be submitted to the Department of T&ES, Engineering Division, Room 4130, 301 King Street within 60 days of City Council approval. (T&ES)
- R-7 The applicant shall require its employees who drive to use off-street parking and/or provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall also post DASH and Metrobus schedules on-site for employees. (T&ES)
- C-1 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line.

- C-2 The applicant shall comply with the City of Alexandria’s Solid Waste Control, Title 5, Chapter 1, which sets forth the requirements for the recycling of materials (Sec. 5-1-99).

Code Enforcement:

- F-1 No Comment

Health Department:

- F-1 No Comment

Parks and Recreation:

- F-1 No Comment

Police Department:

- F-1 The Police Department has no objections to the newly proposed daily business hours of operation (7:00 – 5:00 pm Monday thru Friday).
- F-2 The Police Department has no objections to the business operating on Saturdays from 7:00 – 5:00 pm.

**REPORT ATTACHMENTS
AVAILABLE IN THE PLANNING AND ZONING OFFICE**